The Solicitors' Journal

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Current Topics.

Mr. Justice Avory.

As we go to press we learn with deep regret of the sudden death of Mr. Justice AVORY, who for nearly a quarter of a century has been a notable figure on the Bench. Only last month the Lord Chief Justice paid tribute to the late judge who "now in his eighty-fourth year, sits by my side day by day in the Crown Paper and in the Court of Criminal Appeal, and I safely say, 'If in doubt, look it up in Mr. Justice AVORY.' Mr. Justice AVORY is an encyclopædia of knowledge." It is by this knowledge of the law and the incisiveness and exactitude with which he applied it rather than by the number of *causes célèbre* which he was called upon to try during his long judicial career that Mr. Justice AVORY will be remembered by members of the legal profession. Born in 1851 HORACE EDMUND AVORY was educated at King's College, London, and Corpus Christi College, Cambridge (of which he was an Honorary Fellow), and was called to the Bar by the Inner Temple in 1875. He was appointed Junior Counsel to the Treasury at the Central Criminal Court in 1889, and ten years later Senior Counsel. His duties in this position brought out his great capacity for detached scientific analysis and his mastery of detail. He took silk in 1901 and when he was elevated to the Bench in 1910 he had acquired one of the largest practices at the Common Law Bar. As a judge of the King's Bench Division of the High Court of Justice he was the personification of those qualities which have given the judiciary the unique position it occupies alike in the popular and the professional estimation.

Legal Changes.

FROM the professional point of view, undoubtedly the most significant feature in the reconstruction of the Government is the supersession of LORD SANKEY in the office of Lord Chancellor by LORD HAILSHAM, his immediate predecessor on the Woolsack. As LORD SANKEY told us in his speech at the opening of the new library of the Birmingham Law Society, in 1934, one of the strangest duties that fell to him when, for the first time, he went to his room at the House of Lords, was to write a formal letter to himself resigning his office as Lord Justice, and then, as he humorously put it, there came the opportunity of a lifetime—writing back to himself thanking himself for the services he had rendered to the State in the Court of Appeal. In such gay humour he started off in the discharge of his high office and engrossing labours; but, just as it is true that "uneasy lies the head that wears a crown," so it may with equal truth be asserted that the Woolsack does not always furnish the most comfortable of cushions. So was LORD SANKEY to find during the years that were given him to occupy the supreme place in the judicial hierarchy. The large number of reforms, however, quietly carried out both in the substance of the law and in its procedure, will make the period of his Chancellorship memorable and worthy to rank with the records of those of previous Chancellors. To him, as we have said, there now succeeds LORD HAILSHAM, who has done excellent work at the War Office, but whose heart, we may well imagine, is still in the law. With his great legal attainments and his abounding energy he will, doubtless, carry on the good work of LORD SANKEY in effecting still further reforms, for there yet remains much to be accomplished by way of rationalising and simplifying our legal system. In this task we wish him all success.

Lord Justice Greer on Judicial Business.

SPEAKING at a dinner of the Chief Constables Association at Eastbourne on Wednesday, GREER, L.J., expressed the opinion that the courts had been "very scurvily treated by the Government." The administration of justice was one of the main functions of any country, and it ought not to be treated too economically. "We want," the learned Lord Justice said, "judges in such numbers that each can have his own special list, fix a day for hearing, see the parties in the early stages, and, if the case admits of reasonable compromise, to suggest that compromise in the earlier stages. It is not of much use in the later stages when all the expense and costs have been incurred." The desirability of fixing dates for trial and appointing a sufficient number of judges to enable this to be done and to permit of judges sitting all the year round—"maybe ten more than at present, at a cost of £50,000 a year"—was emphasised. It was, GREER, L.J., said, a perfectly horrible thought for anyone who had to do with litigation to feel that he did not know whether his case would be heard on 20th January, 20th June or 30th December. What worried most people was the absolute uncertainty as to when they would be taken away from business in order to present themselves for the litigation they were carrying on. In the course of his speech the learned Lord Justice made a remark reminiscent of the statement by LORD BIRKENHEAD at the inaugural meeting of the Magistrates' Association, who warned magistrates not to make up their minds before all the facts of a case had been heard. This was referred to in our issue of 1st June, p. 390, in the course of our remarks on *Notes for New Magistrates*. "I have found," GREER, L.J., said, "that sitting in the Court of Appeal a great many of our difficulties have arisen from the fact that there are one or two judges who cannot make up their minds to wait until the end. I have found that, if you let most cases alone, they decide themselves." The extreme complexity of the law was

alluded to in the following terms: "I think we have suffered too much from the excessive cleverness of judges in the Court of Appeal and in the House of Lords. We have developed such an elaborate system of rules, exceptions, and exceptions to exceptions, that it is difficult for a human being to keep track with them." Another point dealt with was the costs incurred by a successful litigant. The learned Lord Justice regarded it as "an indefensible thing" that the man who wins should have anything to pay at all. If he cannot get his costs from the other side, it was thought that they should be borne by the country and not by the litigant who ought to have free access, without cost to himself, to the justice of the country.

Oil in Great Britain.

APPLICATIONS for prospecting and mining licences relating to petroleum will, in accordance with the regulations prepared by the Mines Department of the Board of Trade, be received on 17th June, but no licences will be issued until the regulations have remained on the table of both Houses of Parliament for twenty-eight days. The regulations, which have been drafted under the Petroleum Production Act, were laid on the table of both Houses about the middle of last month and they become operative if within the period of twenty-eight Parliamentary days a negative resolution has not been Passed. A prospecting licence remains in force for three years, and must cover an area of not less than 8 or more than 200 square miles. The fee charged is £20. The mining licence covers from 4 to 100 square miles, costs £40 and remains in force for fifty years—a period which may be extended for a further twenty-five years. The same person or company is capable of being granted more than one licence. The royalty on crude oil is to be fixed by the Treasury, but it will not exceed 6s. a ton or be less than 3s. Royalty on casinghead spirit will vary between one-eighth of a penny and 2d. a gallon. Royalties may be revised at stated intervals beginning in 1951. The position between licensees and surface owners will be regulated by the parties themselves, subject to a right of appeal to the Railway and Canal Commission. *The Times*, to which we are indebted for the foregoing information, states that it is understood that the Board of Trade has already received information that those with technical knowledge and skill are prepared to back their opinions with considerable sums of money in the search for oil in this country.

The Collection of Tithe.

SPEAKING at a joint meeting of the Tithe Committee of Queen Anne's Bounty and of the chairman and conveners of the fifteen tithe collection area committees at the Bounty Office, Westminster, recently, Mr. GEORGE MIDDLETON, who was in the chair, expressed the opinion that, so far as regards the payment of tithe, the position to-day is better than it has been for several years past. Reference was made to the efforts directed towards a settlement in cases of difficulty. Before the court was asked to levy distraint, the circumstances of every case were carefully investigated, that the Governors might be satisfied that, whenever there was a distraint for ecclesiastical tithe, there was ample justification for it. The speech, which was reported in *The Times*, indicates that 9,000 of the 11,000 cases investigated by the Queen Anne's Bounty have been settled by payment of a reduced lump sum or a reduced sum by instalments. The Governors maintain that, as supplemental to the statutory remissions under the Act of 1891, their policy of making voluntary concessions in cases of proved hardship is adequate to tide over periods of depression in the agricultural industry. During the year to May, 1935, the tithe collected shows an increase of some £280,000 over that collected during the previous twelve months. That arrears are being collected is indicated by the fact that during the former period over £41,000 more than the amount collectable for the year had been received.

Employment of Prisoners.

THE Departmental Committee on the Employment of Prisoners, which was appointed in 1932 and issued towards the end of 1933 a report on the methods of employing prisoners while in prison, issued a further report at the end of last month upon the subject of assisting prisoners to find employment on discharge. The committee considers that the best means of securing the help required in furtherance of this work is through the prisoners' aid societies. The first of these was established over a century ago, statutory recognition being accorded in 1862 by the Discharged Prisoners' Aid Act. The opinion is expressed that a substantial re-organisation of these societies is necessary if their work is to be done efficiently and the best results are to be obtained from the considerable sums of money which they receive from the government and private sources. The areas served by the societies should be re-adjusted in order to bring them into line with the changes brought about by the closing of numerous prisons and the re-distribution of the prison population among the establishments which remain. The report advocates an amalgamation of all the societies dealing with men in the London prisons and the setting up of a National Council representative of the reorganised societies to formulate general principles of policy, to survey and co-ordinate the work throughout the country, to assist in the organisation of work in different areas and to distribute the government grant. The National Council should have a chairman nominated by the Home Secretary and there should be a salaried secretary with an assistant secretary and suitable clerical assistance. The increased cost following such re-organisation should be met by an additional government grant for the first three years, at the expiration of which the position should be reviewed. It is thought that the expenditure will be warranted by a decrease in other charges falling on prison administration and by increased support on the part of the public. The report contains a number of other suggestions which cannot be further elaborated here. It is published by the Stationery Office, Cmd. 4897, at 1s. 3d.

Ribbon Development Restriction.

AMONG the amendments made to the Restriction of Ribbon Development Bill in its passage through the Committee Stage in the House of Lords was one moved by the EARL OF PLYMOUTH (Under-Secretary for the Colonies), relating to cl. 2, which restricts building along, *inter alia*, classified roads, providing that the restrictive measures therein shall, so far as they relate to classified roads, apply to all roads as were such on 17th May, 1935, instead of at the date of the passing of the Act. Classification of roads in Scotland is made on the 16th of May each year, and in England and Wales on the 1st of April. Another amendment provides that the highway authorities shall not use or permit to be used for advertising purposes fences erected under cl. 4, which authorises an authority to fence such roads as are subject to restrictions. Another requires a register of "consents" under the Act to be kept by the highway authority, which register is to be available for inspection without fee by persons interested who are to be entitled to take extracts therefrom. Among proposals which failed to secure approval may be mentioned one which would have rendered the Act applicable alike to classified and unclassified roads, instead of leaving the matter in regard to the last-named in the hands of the local authority: and another which would have given a right of appeal to a court of summary jurisdiction to one aggrieved by a decision by a highway authority in regard to a consent. At present the matter is determined by the Minister of Transport, after consultation with the Minister of Health or the Minister of Agriculture and Fisheries. Clause 10, which enables a highway authority to acquire any land within 220 yards from the middle of the road, with a view to the preservation of amenities and the control of development, secured approval

by a majority of one vote only. Sub-clause (2) of cl. 15, which provides that the Minister of Transport may, upon application of the London County Council, confer thereupon similar powers of restricting ribbon development to those of other county councils has been excised from the Bill. Three amendments of some importance were incorporated into the Bill during the Report stage last Tuesday week. Provision has been made in cl. 6 for the highway authority to consult from time to time with any planning authorities concerned. This has been inserted to meet the views expressed in Committee regarding the desirability of co-ordination between those authorities for which, it was thought, the Bill made insufficient provision. Another amendment relates to compensation and provides that, in assessing what whould have been the market value of an estate if the land had not been subject to restrictions, there shall be taken into account any value which the land would have had for the construction or lay-out of any means of access to adjoining land, whether the latter is subject to restrictions or not. It was explained that the amendment was based on the principle that the value of land as a means of access to other lands should be taken into account. A third amendment enables a highway authority to acquire by agreement, and in order to preserve the amenities of a locality, land in the neighbourhood of any road beyond the 220 yards limit set out in cl. 10 of the Bill.

Recent Decisions.

A POINT of unusual importance was decided in *Moore and Others* v. *Attorney-General for the Irish Free State and Others* and in *British Coal Corporation and Others* v. *The King* (*The Times*, 7th June), where the Judicial Committee of the Privy Council held that legislation of a Dominion abolishing the right of appeal from the Dominion Courts to His Majesty in Council is valid and effective. The foregoing is an effect of the Statute of Westminster, which by s. 2 removes the legislative restrictions contained, *inter alia*, in the Colonial Laws Validity Act, 1865, and renders the powers of a dominion legislature independent of the Parliament of the United Kingdom. The second case concerned criminal appeals from Canada. In the first it was held that the position was not altered by any of the terms of the treaty relating to the Irish Free State. The LORD CHANCELLOR observed that the simplest way of stating the situation was to say that the Statute of Westminster gave to the Irish Free State a power under which they could abrogate the treaty, and that, as a matter of law, they had availed themselves of that power.

The point of law which emerges from *Thomas* v. *Sawkins* (*The Times*, 31st May) is that a police constable has *ex virtute officii* a right to enter private premises where he has ample grounds for thinking that a public meeting may become an unlawful assembly or a riot, or that a breach of the peace may be committed; and not only when an offence is being, or has been, committed. The case arose out of an alleged technical assault upon the appellant by a police constable in a hall which had been hired and was being used for the purpose of a meeting of the character above described. The action failed, and an appeal on a case stated was dismissed.

In *R.* v. *Duke of Manchester* (*The Times*, 6th June), the Court of Criminal Appeal quashed the conviction of the appellant at the Central Criminal Court on two charges of obtaining money by false pretences. The question arose out of the pledging of two articles of jewellery, one of which the appellant represented to be his own, and the other his and his wife's. His right to deal with the same had been supported by counsel's opinion before the articles had been pledged. The defence was that there was no intent to defraud. The conviction was quashed on the ground that this and the factors bearing upon it had not been properly brought home to the jury. The summing up by the Recorder was insufficient and unsatisfactory, and it did not appear that if it had been what it ought to have been the jury would certainly or must inevitably have come to the conclusion to which they had come.

Notice of Registered Incumbrances

WITH reference to the question of searches discussed in "A Conveyancer's Diary" (79 SOL. J. 61), and to some enquiries on the same subject which have been received, it may be of interest to consider whether or not a condition should be inserted in contracts for sale to the effect that the vendor sells the property free from incumbrances, whether registered under the Land Charges Act, 1925, or otherwise, or not.

Such a condition is apparently designed to prevent a vendor from forcing a purchaser to take property subject to incumbrances of which the purchaser is deemed to have notice under the provisions of L.P.A., 1925, s. 198 (1).

It seems to be inferred that if any instrument or matter creating an incumbrance is registered under the Land Charges Act, 1925, a purchaser must, in view of the fact that he is deemed to have notice of such incumbrance, take subject to it.

If this is admitted, a purchaser must take subject to restrictive covenants which are registered, and also subject to puisne mortgages, estate contracts, and other incumbrances which are liable to be registered under the Land Charges Act, 1925.

This argument is based upon the grounds secondly given by Mr. Justice Eve for his decision in *Re Forsey & Hollebone's Contract* [1927] 2 Ch. 379.

The logical outcome of such an argument is that a purchaser is bound to take the property subject to incumbrances of which he is deemed to have notice, although, until he has examined the abstract, he is not able to tell the names of the persons against whom he ought to search in the alphabetical index.

In the writer's opinion the argument cannot be accepted, and the proposed condition is unnecessary.

The material part of Mr. Justice Eve's judgment is as follows: "It is in my opinion an incumbrance of which the purchaser had notice, and of a nature which precludes her from now refusing to complete the purchase."

There is authority for saying that a purchaser is not necessarily bound to take subject to an incumbrance or restriction even if he knew of it before the contract (*Cato* v. *Thompson*, 9 Q.B.D. 616, 617, 618), although the fact that he knows of such a defect in the vendor's title may be sufficient to rebut the legal implication that he is entitled to a good title free from incumbrances: *Re Gloag & Millers Contract*, 23 Ch. D. 320, 327; *McGrory* v. *Alderdale Estate Co.* [1918] A.C. 503, 508.

Hence the question is not whether the purchaser knows or is deemed to know of the defect in the vendor's title, but whether the knowledge of the purchaser is such that the legal inference arises that the purchaser will be content with a title subject to such defects: see *McGrory* v. *Alderdale Estate Co.*, *supra*, at p. 508.

Although registration may fix the purchaser with notice of the matter registered, it is not, in the writer's opinion, sufficient, in the absence of other circumstances, to enable the court to draw the inference that the purchaser is content to take a lesser title than one free from incumbrances: see on this question an article by Mr. Lightwood in the *Law Journal*, 12th November, 1927, pp. 332 and 333, where he expressed the view that such notice is not of itself sufficient to bind a purchaser.

Mr. Justice Eve in *Re Forsey & Hollebone's Contract* expressly refers to the "nature" of the incumbrance, and this, it is suggested, is sufficient to enable one to say that he did not hold that the purchaser was bound to take subject to the incumbrance on the grounds of notice alone.

Unless this construction of Mr. Justice Eve's judgment is adopted, it is difficult to see how it can be reconciled with the earlier authorities.

It may be pointed out that the Court of Appeal held that the resolution referred to in *Re Forsey & Hollebone's Contract* was not an incumbrance.

It is suggested therefore that, if the interpretation indicated above of Mr. Justice Eve's judgment is correct, and if the real effect of his judgment was that the resolution was an incumbrance of such a nature that the purchaser was bound to take subject to it as he had notice of it, then the fact that the resolution was held not to be an incumbrance leaves open the question whether a purchaser is bound to take subject to any kind of incumbrance which is registered under the Land Charges Act, 1925.

The result would appear to be that the reasons secondly given by Mr. Justice Eve for his decision have effected no change in the law.

The Burden of Proof in Murder Trials.

WOOLMINGTON v. *DIRECTOR OF PUBLIC PROSECUTIONS.*

"Throughout the web of the English criminal law one golden thread is always to be seen—that it is the duty of the prosecution to prove the prisoner's guilt subject to matters as to the defence of insanity and subject also to any statutory exception. If, at the end of, and on the whole of, the case there is a reasonable doubt, created by the evidence given by either the prosecution or the prisoner, whether the prisoner killed the deceased with a malicious intention, the prosecution has not made out the case and the prisoner is entitled to an acquittal."

In these striking words the Lord Chancellor, in *Woolmington* v. *Director of Public Prosecutions* (*The Times*, 5th and 6th April and 24th May), enunciated a principle so well known as scarcely to need expression. It has long been the boast of English lawyers. And yet it required the judgment of the House of Lords to set finally at rest the doubts which existed as to whether in a trial for murder this principle applied, or whether it was not necessary for the prosecution to prove more than the fact of the killing.

Reginald Woolmington, a young farm labourer, quarrelled with his wife, who left him and returned to her mother. He was, it appeared, anxious to get her to come back, but she would not come. He then went to see her, taking with him a loaded shot-gun, the barrels of which he had cut off short. He took the gun, he said, to frighten her into returning by pretending that he was going to commit suicide. The gun went off and she was killed. No one saw what happened. His evidence was that it went off accidentally when he was showing it to her. Swift, J., told the jury that, even on the prisoner's own evidence, they would have little doubt that the wounds of which the woman died were inflicted by the gun which he had in his hands, and that, "the fact of the killing being first proved, all the circumstances of accident, necessity, or infirmity are to be satisfactorily proved by the prisoner, unless they arise out of the evidence produced against him; for the law will presume that the attack would be founded in malice unless the contrary be shown." These were the words of Sir Michael Foster, in his "Crown Law," written in 1762. They are, as Lord Sankey pointed out, only written by him as a text-book writer, and are not supported by him with authority. Indeed he must have known, as appears from his "Pleas of the Crown," of the "History of the Pleas of the Crown," written by Sir Matthew Hale, who died in 1675. Nothing in that work suggests that this shifting of the onus is to be found in homicide cases. And, as Lord Sankey continued, the law of evidence was at that time very fluid in England and differed, in some civil cases, even on different circuits. That statement of the law having been once made, it had, as Lord Hewart has remarked, many friends. Many text-book writers and judges have quoted it as a correct exposition of the law. Tindal, C.J., said, in *R.* v. *Greenacre*, 8 C. & P. 35, that once the homicide is proved, the prisoner must "show from evidence, or by inference from the circumstances of the case, that the offence is of a mitigated character." On the other hand, in many cases judges have acted upon the general rule that the onus is on the prosecution, and have drawn no distinction in homicide cases. It was therefore most desirable to have the matter cleared up by the highest tribunal.

The House, consisting of the Lord Chancellor, the Lord Chief Justice, Lord Atkin, Lord Tomlin and Lord Wright, had a very full argument presented to it. Propositions of law going back to Canute's reign were referred to. Lord Sankey, in his speech, referred to the authorities mentioned above. He pointed out that the *dictum* in *R.* v. *Greenacre*, *supra*, occurred in the summing up to the jury. He doubted whether either the passage in Foster or the words of Tindal, C.J., meant more than that if the killing by the conscious act of the prisoner were proved, there was evidence on which the jury might, but not must, find him guilty of murder. If the judge were able at any stage to rule that the prosecution had proved its case and shifted the onus on to the prisoner, he was then, in effect, saying that they must, in the absence of explanation, find the prisoner guilty. This meant that the judge, and not the jury, was deciding the case. If either of the authorities referred to meant this they were wrong. He referred to *R.* v. *Abramovitch*, 11 C.A.R. 45, which is so frequently cited in cases where the accused is proved to have been in possession of recently stolen goods. The effect of that case was, he thought, the same. It was not for the prisoner to "satisfy" the jury of his innocence. The same appeared from *R.* v. *Davies*, 8 C.A.R. 211.

In *R.* v. *Abramovitch*, *supra*, it was clearly said that the jury need not be satisfied of the truth of the prisoner's explanation, so long as it was reasonable and consistent with innocence. Indeed, the tendency of modern criminal courts, whatever may have been the view in the past, is, with few exceptions, to ignore the rule in Foster, whatever its meaning. A recent example of this is *Lawrence* v. *The King* [1933] A.C. 699 (P.C.), where the Board said, at p. 706, "The true direction would have been that the onus was always on the Crown . . ."

To have preserved a distinction between homicide cases and others would, if only because of the existence of capital punishment, have offended against consistency and natural justice. Happily the House of Lords has been able to obviate this and to remove a long-standing doubt and blemish from our criminal law.

Company Law and Practice.

The Auditor's Report.

ALMOST a year ago, I dealt in these columns with the duties of an auditor and paid particular attention to the then recent case of *In re Allen Craig and Company (London) Limited* [1934] 1 Ch. 438. This week I propose to confine myself, so far as possible, to a consideration of the principles which underlie the presentation of the auditor's report. I dealt at some length, on that occasion, with the statutory provisions as to accounts and audit, but, for our present purposes, I think that s. 134 is the only one on which I need refresh my readers' memories.

By sub-s. (1) of that section, the auditors are to make a report to the members on the accounts examined by them and on every balance sheet laid before the company in general meeting during their tenure of office; that report is to state:—

(*a*) whether or not the auditors have obtained all the information and explanations they have required; and

(*b*) whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

The section also gives to every auditor rights of access at all times to the books and accounts and vouchers of the company, and the right to attend any general meetings of the company at which any accounts that they have examined or on which they have reported are to be laid before the company, and to make any statement or explanation they desire with respect to the accounts.

The effect of the judgment of Bennett, J., in *In re Allen Craig and Company (London) Limited*, *supra*, is, first, that the words "the members" in s. 134 (1) means "the members assembled in general meeting," and, secondly, that the duty of the auditors, after having affixed their signatures to the report annexed to a balance sheet, is confined to forwarding that report to the secretary of the company, leaving the secretary of the company or the directors to perform the duties which the statute imposes of convening a general meeting to consider the report.

Now, to discover what every auditor must have in mind when preparing his report, we must obtain help from the decision in *In re London and General Bank Limited* (*No.* 2) [1895] 2 Ch. 673. In that case dividends were paid out of capital, the payment being made pursuant to resolutions of the shareholders based upon recommendations of the directors of the bank and upon balance sheets prepared and certified by a Mr. Theobald, who was one of the bank's auditors, and which did not truly represent the financial position of the company. In the words of Lindley, L.J., at p. 685: "A person whose duty it is to convey information to others does not discharge that duty by simply giving them so much information as is calculated to induce them, or some of them, to ask for more. Information and means of information are by no means equivalent terms"; while Rigby, L.J., observed (p. 694): "In the last-mentioned report is contained for the first time the statement, 'the value of the assets as shown on the balance sheet is dependent upon realisation.' Great stress has been laid by counsel for the appellant on the statement last quoted. They have argued that it was sufficient to put members upon inquiry, and that from the course taken at the trial they were debarred from giving the evidence of experts as to the importance and signification of it. I may at once say that it was the duty of the auditors to convey in direct and express terms to the members any information which they thought proper to be communicated, that the words of the statement are perfectly clear in their meaning, but also entirely unimportant, amounting to a mere truism, and that no evidence of experts would have been of the slightest use for the purpose of giving them a greater importance or signification than they possess in themselves, even if such evidence were admissible."

Lindley, L.J., though, goes on to point out that there may be circumstances under which information given in the shape of a printed document circulated amongst a large body of shareholders would, by its consequent publicity, be very injurious to their interests; and, in such a case, his lordship was not prepared to say that an auditor would fail to discharge his duty if, instead of publishing his report in such a way as to insure publicity, he made a confidential report to the shareholders and invited their attention to it and told them where they could see it. But, "I feel, however, the great danger of acting on such a principle; and in order not to be misunderstood I will add that an auditor who gives shareholders means of information instead of information respecting a company's financial position does so at his peril, and runs the very serious risk of being held judicially to have failed to discharge his duty." It seems clear, however, that an auditor acting in this manner would fail to discharge his duty, since, by s. 129 (1), the auditors' report has to be attached to the signed balance sheet, and the report is to be read before the company in general meeting, and is to be open to inspection by any member.

The court was informed that those words, "The value of the assets as shown on the balance sheet is dependent upon realisation" were so unusual in an auditor's certificate that their mere presence was enough to excite suspicion. The answer of Lindley, L.J., to that was that, since the auditor's duty is to convey information and not to arouse inquiry, it by no means follows that ordinary people would have their suspicions aroused by a similar statement if, as in that case, its language expressed no more than an ordinary person would infer without it, although an auditor might infer from an unusual statement that something was seriously wrong.

If we may for one moment revert to s. 134, the meaning of the words "as shown by the books of the company" in sub-s. (1) (*b*) were considered in *In re London and General Bank Limited* (*No.* 2), *supra*, by Rigby, L.J., at p. 692; they seemed to him to have been introduced to relieve the auditors from any responsibility as to affairs of the company kept out of the books and concealed from them, but not to confine it to a mere statement of the correspondence of the balance sheet with the entries in the books. "A full and fair balance sheet must be such a balance sheet as to convey a truthful statement as to the company's position; it must not conceal any known cause of weakness in the financial position, or suggest anything which cannot be supported as fairly correct in a business point of view." This definition at first sight seems, certainly, adequate, but some may think that the ambiguous meaning of the word "fairly" detracts from its adequacy, according to whether it is construed as "approximately" or as "according to the principles of right dealing"; though even if the latter construction is correct (as I think it is) there is all the world of difference between theory and practice, certainly as regards balance sheets, and a great deal of difficulty in deciding whether the finished product conforms with the ideal.

This authority was followed on several points in connection with auditors in the great case of *In re City Equitable Fire Insurance Company Limited* [1925] 1 Ch. 407. I do not, however, intend to delve into it further than to observe, that on p. 525, Warrington, L.J., in considering s. 113 of the 1908 Act (sub-s. (2) of which is, with the exception of "shareholders" instead of "members," identical with s. 134 (1) of the 1929 Act), laid stress on the fact that the section does not lay down any rule at all as to the amount of care, or skill, or investigation, or anything of that kind which is to be brought to bear by the auditors in performing the duties which are thereby imposed upon them. It says nothing as to what they are to do in order to form their opinion, or to ascertain the truth of the facts to which they are to certify. That is left to be determined by the general rules which, in point of law, are held to govern the duties of auditors, whether those rules are to be derived from the ordinary law, or from the terms under which the auditors are to be employed.

It is, perhaps, not inappropriate at this point to touch on the liability which may be incurred by an auditor who fails to discharge his duty in these matters; there *Leeds Estate Building and Investment Company* v. *Shepherd*, 36 Ch. D. 787, is material. The company's balance sheets on which the dividends were declared were prepared not by the directors, but by the manager. They were delusive, they overestimated the company's assets, and they were framed with the object of showing a profit available for dividend. The auditor never looked at the articles but accepted the manager's statements, and he certified from time to time that the accounts submitted to him were true copies of those shown in the company's books. No proper statement of income and expenditure or auditor's report was ever laid before the company. The directors did not know the true state of the company's affairs or that the balance sheets were delusive; and they never exercised any judgment with reference to the accounts, but relied entirely on the manager and auditor. Stirling, J., held that it was the duty of the auditor not to confine himself merely to the task of verifying the arithmetical accuracy of the balance sheet but to inquire into its substantial accuracy, and to ascertain that it contained the particulars

specified in the articles, and was properly drawn up, so as to contain a true and correct representation of the state of the company's affairs. Furthermore, it was found that the auditor had committed a breach of duty in certifying the accounts as he did, and the payment of the dividends, directors' fees, and bonuses to the manager actually paid in two specific years appeared to be the natural and immediate consequence of such breach of duty; the auditor was, therefore, held liable for damages to the amount of the moneys so paid. It was only because the auditor was entitled to the benefit of the Statute of Limitations that he was not held liable for moneys so paid in other years also.

In conclusion, we should notice that company auditors are bound to know or make themselves acquainted with their duties under the company's articles and under the Companies Acts for the time being in force, and if the audited balance sheets do not show the true financial position of the company, and damage is thereby occasioned, the onus is on the auditors to show that this damage is not the result of any breach of duty on their part: *In re Republic of Bolivia Exploration Syndicate Limited* [1914] 1 Ch. 139.

A Conveyancer's Diary.

I HAVE had occasion to consider some questions relating to the alteration in the law regarding the property of infants which was effected by the 1925 legislation.

Reverter of Infant's Land on Death.

One point of interest was settled by the decision in *Re Taylor; Pullan* v. *Taylor* [1931] 2 Ch. 242, and I propose to refer to that first, as it put to rest a very doubtful question.

In that case the facts were that in 1925 one Taylor died intestate, and his widow obtained a grant of letters of administration of his estate.

The intestate, who was seised of certain real estate in fee simple, left three children, Sydney (who was his heir-at-law), Doris and Harry, all being infants.

Immediately before the 1st January, 1926, the position was that the widow was entitled to dower in the real estate, and, subject thereto, the elder son was beneficially entitled in fee simple. The legal estate was still in the widow as administratrix of the intestate.

Then the S.L.A. came into operation. Section 1 (2) of that Act provides that—

"Where an infant is beneficially entitled to land for an estate in fee simple or for a term of years absolute and by reason of an intestacy or otherwise there is no instrument under which the interest of the infant arises or is acquired, a settlement shall be deemed to have been made by the intestate or by the person whose interest the infant has acquired."

Then sub-s. (3) reads:—

"An infant shall be deemed to be entitled in possession notwithstanding any subsisting right of dower (not assigned by metes and bounds) affecting the land and such a right of dower shall be deemed to be an interest comprised in the subject of the settlement and coming to the doweress under or by virtue of the settlement."

So in *Re Taylor* the intestate's son Sydney on the 1st January, 1926, was deemed to be beneficially entitled in possession, and the widow's right to dower became an interest deemed to arise under the settlement.

In 1930 Sydney died an infant without having been married.

The question then was, what became of the beneficial fee simple in the land?

The difficulty arises upon the construction of s. 51 (3) of the A.E.A., 1925, which enacts:—

"Where an infant dies after the commencement of this Act without having been married, and independently of this subsection he would, at his death, have been equitably entitled under a settlement (including a will) to a vested estate in fee simple or absolute interest in freehold land or in any property settled to devolve therewith or as freehold land, such infant shall be deemed to have had an entailed interest and the settlement shall be construed accordingly."

The real question is whether a settlement deemed to have been made by an intestate under the S.L.A., 1925, s. 1 (2), is a settlement within s. 51 (3) of the A.E.A.

I discussed this matter before the decision in *Re Taylor* in an article which is referred to in a note to the report of that case, but I have not done so since. I then expressed the view (although not without some doubt) that a settlement deemed to have been made by an intestate was not within s. 51 (3) of the A.E.A. I am afraid that I still think that to be the right construction. Perhaps I may say why. In the first place I think that the words "(including a will)" after "settlement" in the subsection point to some document, and not to a notional settlement. It would have been quite easy for words to be added to show that "settlement" included not only a will, but also a settlement deemed to arise on an intestacy. The word "settlement" seems to be used there to indicate a document. If not, why add the words "including a will"? Force also is added to that by the concluding words, "and the settlement shall be construed accordingly." I do not see how a notional settlement can be construed.

Farwell, J., thought otherwise. His lordship observed: "Now if the Legislature thought it necessary to make provision in the case of an infant dying unmarried under twenty-one, cutting down his absolute interest under a settlement or will to an entail, I have great difficulty in believing that it did not mean to cut it down under an intestacy now deemed a settlement made by the intestate."

With great respect I must confess I am not much impressed by that line of argument. After all it is not a question of what the Legislature intended to do or may be presumed to have intended to do, but what is the construction to be placed upon the language of the enactment.

Suppose that an infant married and his wife predeceased him, and he died before attaining twenty-one and without issue. It might well be said: "Now if the Legislature thought it necessary to make a special provision in the case of an infant dying without having been married cutting down his absolute interest under a settlement or will to an entail, I have great difficulty in believing that it did not mean to cut it down where the infant had been married and his wife had predeceased him leaving no issue." But so it is, difficult as it may be to believe it.

However, Farwell, J., decided that a notional settlement under S.L.A., 1925, s. 1 (2), is a settlement within s. 51 (3) of the A.E.A., 1925, and that is an end of the matter. The decision will not be overruled now.

I ought to refer to another contention which was ingeniously advanced on behalf of the widow, who, of course, would have been entitled to the fee simple under the A.E.A., 1925, s. 46 (1) (iv), if s. 51 (3) of the Act had not applied.

It was said that as the estate of the infant under the notional settlement ceased on his death, "the fee simple would oscillate backwards and forwards between Sydney and the intestate and never come to rest." In fact I suppose we should have another "*renvoi*" problem.

That contention was disposed of by counsel on the other side pointing out that on the death of Sydney (who was tenant in tail) without issue the next person to take must be traced through the last purchaser (that is the intestate), not through Sydney, who was not a stock of descent. Therefore, the testator's other son became entitled, and so the learned judge held.

I am still unable to understand why s. 51 (3) was enacted.

Before 1926 an infant's land was settled land under the S.L.A., 1882, and the infant was deemed to be the tenant for life. All the powers of a tenant for life were vested in the trustees of the settlement. That is the position now. So long as the infant is alive there is no difference except the purely technical and quite immaterial one that the legal estate is vested in the trustees.

On the death of the infant without attaining his majority the property passed under the old law to the person entitled to his real estate as on an intestacy, and that is what happens now except where the infant has never been married, in which case it now reverts to the person under whom he became entitled to it. I cannot see why that should be so.

That leads me to another difficulty which, as I have pointed out before, may arise under s. 51 (3).

Suppose that before 1926 a father had purchased land and had it conveyed in fee simple to his son, an infant who died after 1925 still an infant and without having been married. Now, what is the settlement in that case? If the conveyance is the settlement then the infant is deemed to have an entailed interest, and "the settlement shall be construed accordingly." It follows that the conveyance would have to be read as though it granted not a fee simple but a fee tail, and so on the infant's death there would be a reverter to the grantor. I cannot think that it would be so held, but if, as it certainly should, the reverter is to be to the father in such a case, what is the "settlement" which is "to be construed accordingly?" Perhaps the contract between the father and the vendor, but there might not be one.

When land has been conveyed to an infant since 1925, s. 27 (1) of the S.L.A., 1925, applies:—

> "A conveyance of a legal estate in land to an infant alone or to two or more persons jointly both or all of whom are infants, for his or their own benefit shall operate only as an agreement for valuable consideration to execute a settlement by means of a principal vesting deed and a trust instrument in favour of the infant or infants and in the meantime to hold the land in trust for the infant or infants."

There seems no doubt that the conveyance, being deemed to be an agreement whereby land is to be held in trust for an infant in fee simple or for a term of years absolute is a settlement within the S.L.A., 1925 (see s. 1 (1) (ii) (*d*) of that Act, and is, therefore, a settlement within the A.E.A. Consequently s. 51 (3) of the latter Act applies and reverter takes place in the same manner as in the case of land acquired by the infant before 1926. At least, I think that must be so.

Landlord and Tenant Notebook.

Landlord's Liability for Condition of Undemised Part of Premises.

"Does anybody, after *Cunard* v. *Antifyre Ltd.* [1933] 1 K.B. 551, feel quite happy or certain about the liability of a landlord to the various classes of persons who may come upon his premises?" asks Mr. C. K. Allen in the course of an article on "Case Law" in the current number of the "Law Quarterly Review."

While accepting the learned contributor's criticisms of case law generally, and the count in his indictment which alleges uncertainty in particular, I cannot help feeling that the example above given is ill chosen. Indeed, it seems that *Cunard* v. *Antifyre Ltd.*, if it has not added to our happiness on the score of landlord's responsibilities, has definitely increased our certainty.

Shortly, the facts of the case were that Mr. and Mrs. Cunard occupied a flat, sub-let to them in breach of covenant against alienation, on the third floor of a London building. Their kitchen projected beyond the outer wall of the fourth and top floor, which, with their floor and the second floor, was let to their landlord by the defendants, who were lessees of the whole building. One day a piece of the main roof guttering became detached and fell through the glass roof of the Cunards' kitchen, injuring Mrs. Cunard. She and her husband brought an action in the County Court for damages for their respective sufferings, loss and expense, and the County Court judge dismissed it on the ground, apparently, that in the absence of privity of contract and privity of estate there was no duty upon the defendants towards the plaintiffs to maintain the premises in repair.

This decision was reversed by the Divisional Court, and the judgments show that the mistake made by the County Court judge was in effect that of letting far too much landlord-and-tenant atmosphere into his court. The problem should have been approached in the very spirit so much extolled by the admirers of case-law—that of "*sic utere tuo ut alienum non lædas*"; the defendants were occupiers of the roof; they were, therefore, under a common law duty to look after it so that it did not cause injury to anyone lawfully within range, as it were. "What is the principle? It is in our opinion that anyone in occupation and control of something hung over a place, in which people may be expected lawfully to be, is bound to take reasonable care that it does not fall and injure them. That seems to us to be both law and justice . . ."

The decision in fact lays it down that, apart from any liability as landlord, an owner of property who leaves any of it unlet is under exactly the same obligations to people using adjoining property as anyone else would be; and that "the various classes" which trouble the learned contributor to the "Law Quarterly Review" are but two; those who may, and those who may not, be expected lawfully to be there.

It seems likely that some confusion was occasioned by the existence of a group of authorities on what is essentially a different problem; a group in which succeeding decisions distinguish, overrule, explain and apply their predecessors in puzzling fashion. An attempt to disentangle the muddle was made in the "Notebook," of 4th July, 1931 (75 Sol. J. 436). That article, "Flats: The Undemised Part," was concerned mainly with the liabilities of landlords to tenants, but it was pointed out that even in these cases, when claims have naturally been brought on the alternative grounds of breach of covenant of quiet enjoyment and negligence, where they have succeeded the court has either limited its judgment to the latter ground (as in *Dunster* v. *Hollis* [1918] 2 K.B. 785, a case of a defective staircase), or deliberately refrained from committing itself to contract or tort (as in *Cockburn* v. *Smith* [1924] 2 K.B. 119, C.A.).

No doubt *Fairman* v. *Perpetual Investment Building Society* [1923] A.C. 74 (which overruled *Miller* v. *Hancock* [1893] 2 Q.B. 117, C.A.), presented at first sight an apparent obstacle to the plaintiffs in *Cunard* v. *Antifyre Ltd.*, but it was never cited, and could not have helped the defendants. For what it decided was that a licensee (the plaintiff was a lodger of a tenant) could not recover for injuries occasioned by catching her heel in a cavity in a step because the cavity was not in the nature of a trap. The danger in *Cunard* v. *Antifyre Ltd.* was not patent.

An argument that the Cunards were trespassers, which seems to have influenced the County Court judge, was dropped on the occasion of the appeal.

A contention that the main roof was not in the defendants' occupation was rejected by both courts. It has, indeed, long been established that a demise of a flat includes outer walls but not roof. The fact that the defendants were under covenant to the head lessors to maintain the roof played some part in the decision, but would now be an unnecessary consideration; as to which see my next and final paragraph.

A criticism of case-law as uncertain, or at all events, requiring meticulous scrutinising of decisions with a view to defining the *ratio decidendi*, might well be made by comparing the passage from the judgment in *Cunard* v. *Antifyre Ltd.*, which I have cited, with the judgments in the more revolutionary *Wilchick* v. *Marks* (1934), 50 T.L.R. 281; 78 Sol. J. 277

(as to which see 78 Sol. J. 443, 464). For it is now clear that it is not necessary, at all events, that a defendant should be "in occupation and control" if he is to be made liable for injuries occasioned by disrepair; either occupation or control gives the plaintiff a complete cause of action.

Our County Court Letter.

THE RIGHT TO FREEBOARD OR DITCH-WIDTH.

Where the boundary of land runs along the line of "growers" in a hedge, there is no presumption that the owner of the hedge is entitled to "freeboard" or a ditch-width on the far side of the line of growers. This was held in *Collis* v. *Amphlett* [1920] A.C. 271, but the popular belief to the contrary was illustrated in the recent case of *The Trustees of Dodford Baptist Chapel* v. *Hopkins*, at Bromsgrove County Court. The plaintiffs' case was that the defendant had erected a wooden fence on a line three feet from his boundary, and they claimed £5 as damages for trespass and an injunction. The chapel had been built about 1865, with a space of six feet on each side of the building. Up to 1920 the adjoining land was occupied by one Rutter, who had erected a fence, six feet from the chapel, on what was always regarded as the boundary. In 1934 the adjoining land came into possession of the defendant, who erected a new fence three feet nearer the chapel than the old one, thereby allowing too little space for the placing of ladders against the chapel. The plaintiffs claimed the disputed strip under their deeds, or alternatively, by a possessory title. The defendant's case was that his own deeds showed the boundary to be the chapel wall, but he was prepared to grant the plaintiffs the usual three feet, as he wished to erect a fence to prevent his cattle from interfering with the chapel windows. A minor encroachment was admitted, in respect of which £1 had been paid into court. His Honour Judge Roope Reeve, K.C., held that there was no evidence of a possessory title, and the conveyancing had not been well done, as the parcels described the area as 166 square yards, whereas the plan only scaled 131 square yards. There was evidence that the chapel had been built slightly on the slant, so that one corner was erected two feet beyond the boundary of an earlier hedge. In the result the site boundary was substantially three feet from the chapel wall, where the defendant had placed his fence. Judgment was given for the plaintiffs for 10s. in respect of the admitted encroachment, but, on the main issue of fact, judgment was given for the defendant, with costs.

THE REMUNERATION OF ESTATE AGENTS.

In the recent case of *Cousins* v. *Jarratt*, at Bristol County Court, the claim was for £100 as commission on the sale of the licensed business of the Terminus Hotel. The plaintiff's case was that in December, 1934, the defendant was the licensee of the hotel, and had asked the plaintiff to find a purchaser. The plaintiff had subsequently been the effective cause of the present tenant buying the business, for which the defendant had agreed to pay the plaintiff 5 per cent. commission. Corroborative evidence was given by the present licensee, viz., that he would not have bought the business, but for the offices of the plaintiff. The defendant denied instructing the plaintiff to sell the business, or to obtain a new tenant, and nothing was ever said about 5 per cent. commission. A licensed valuer gave expert evidence to the effect that, when a brewery company gave a tenant notice to leave, it was the business of the brewery to find a new tenant. His Honour Judge Parsons, K.C., was not satisfied that any contract, as alleged by the plaintiff, was made, or that any arrangement, if made, was sufficiently brought home to the defendant to be binding upon him. Judgment was given for the defendant, with costs. Compare a case noted under the above title in the "County Court Letter" in our issue of the 9th February, 1935 (79 Sol. J. 103).

Correspondence.

[*The views expressed by our correspondents are not necessarily those of* The Solicitors' Journal.]

Libel Law Reform.

Sir,—The unexpected and anomalous results of recent trials of libel actions in the courts suggest that reform is overdue.

The primary function of the law is to formulate a standard by which men may forecast with reasonable certainty the probable consequences of what they write and what they do.

May I be permitted to offer a few specific suggestions as to desirable amendments in procedure worthy of the attention of Parliament:—

(1) On the trial of a libel action the judge should first decide, as a preliminary point, whether the words complained of are capable of a defamatory meaning.

(2) If the judge decides they are, then the jury should decide whether the words are true.

(3) If the jury decides in the negative, they should then give their verdict on the following points:—

(*a*) Was the defendant actuated by malice (i.e., spite or some non-disclosed and unjustified motive)? or

(*b*) Was the defendant merely reckless or careless in using the words without taking any trouble to ascertain their truth? or

(*c*) Did the defendant honestly believe in the truth of the words he used?

(4) In possession of the jury's findings on the foregoing points, the assessment of damages should be left to the judge, just as in a criminal trial the jury decides guilt, but the judge fixes the sentence.

(5) On a finding in the plaintiff's favour under (1) and (2), but in the defendant's favour under (3) (*c*), the damages should be limited to specifically ascertained and proved pecuniary losses flowing directly from the publication; but the plaintiff should be entitled to a declaration that he has been libelled, and also to an order for his costs of action, unless the defendant before action or with his defence has acknowledged his mistake and has submitted to publish an apology in such form and with such publicity as the court may direct.

On some such procedure as the foregoing the defence to a libel action will be less of a gamble with uncertainty and with the libel-damage hunter.

Charles L. Nordon.

King William-street, E.C.4.

7th May.

Books Received.

Bullen and Leake's Precedents of Pleadings. Ninth Edition, 1935. By Alfred Thompson Denning, of Lincoln's Inn, the Middle Temple, and the Western Circuit, Barrister-at-Law, and Arthur Grattan-Bellew, of Lincoln's Inn, and the South-Eastern Circuit, Barrister-at-Law. Royal 8vo. pp. lxxii and (with Index) 1108. London: Stevens & Sons, Ltd.; Sweet & Maxwell, Ltd. £2 10s. net.

The Juridical Review. Vol. XLVII, No. 2. June, 1935. Edinburgh: W. Green & Son, Ltd. 5s. net.

The Church and Marriage. Being the Report of the Joint Committees of the Convocations of Canterbury and York. 1935. Demy 8vo. pp. x and 115. London: Society for Promoting Christian Knowledge. Price 2s. 6d.

Tables for the Apportionment of Rates. By Eric N. Wheeler, Collector to the Hertford Rural District Council. 1935. Demy 8vo. pp. 40. London: Hadden, Best & Co., Ltd. 5s. net.

Principles of the Law of Libel and Slander. By Wilfred A. Button, B.A., of the Inner Temple and Midland Circuit, Barrister-at-Law. 1935. Demy 8vo. pp. xxiii and (with Index) 255. London: Sweet & Maxwell, Ltd. 12s. 6d. net.

To-day and Yesterday.

LEGAL CALENDAR.

10 JUNE.—Sir Francis Pemberton, formerly Chief Justice of the King's Bench, died at Highgate on the 10th June, 1699, in the seventy-fourth year of his age.

11 JUNE.—Is the child the father of the man? For his thirteenth birthday little George Bramwell, destined to be so great in the legal world, asked for three things; a watch, a large cake and some money. The day before, the 11th June, 1821, his father wrote to him at school: "With this you will receive a watch, which I hope you will be pleased with, which I request you will not put out of order . . . I hope you will carefully mark the ebb of time, and make the best use of it, so that you may turn out an honest and clever man. You will also receive a cake which I think you will find capacious enough for your purpose. As for money, you can want but little, as you will be at home on Thursday . . ."

12 JUNE.—The trial of Lord Melville before the House of Lords, on charges of misapplying public money destined for naval purposes, culminated one of the gravest scandals in English political life. The accused had been Home Secretary, Secretary for War and Treasurer of the Navy, and, at the time when the charges were made, he was First Lord of the Admiralty. He was successfully defended by Plumer, a future Master of the Rolls. On Thursday, the 12th June, 1806, the sixteenth day of the trial, he was acquitted on all the charges, the majorities varying from 27 to 128.

13 JUNE.—On the 13th June, 1801, one Spence, "a poor, insane though mischievous bookseller," was brought up to receive the judgment of the Court of King's Bench for a seditious libel called "Spence's Restorer of Society," in which he advocated the abolition of all private property in land and the vesting of it in parishes for the benefit of the public at large. Addressing Lord Chief Justice Kenyon, he warned him of the verdict of history if he were treated with severity, and complained that, though he laboured for society, he was treated as a lunatic. He was fined £50 and sent to prison for a year.

14 JUNE.—Sir Alexander Wedderburn, that able and aspiring Scot, is said to have put a good deal of pressure on his political associates to secure, not only a judgeship but a peerage, too. This he attained at last on the 14th June, 1780, when, resigning the Attorney-Generalship, he becamd Chief Justice of the Common Pleas and Baron Loughborough. At the same time, he contined to act as a Chairman of Quarter Sessions in Yorkshire, where he had property. He remained Chief Justice for over twelve years, always with his eyes on higher things, and at last he became Lord Chancellor.

15 JUNE.—On the 15th June, 1931, the trial of Mrs. Hearn opened at the Bodmin Assizes before Mr. Justice Roche. She had been on very friendly terms with a neighbouring farmer and his wife, often going for picnics with them. After one expedition, when Mrs. Hearn provided some sandwiches, the wife was taken seriously ill. Eventually, she died and arsenic was found in the body. Suspicion fell on Mrs. Hearn, who had nursed her during her sickness, and the sequel was a trial for murder. A future judge, Mr. du Parcq, K.C., led for the Crown and made out a strong case, which the defence met with a complete denial. The jury, after an absence of fifty-four minutes, brought in a verdict of acquittal.

16 JUNE.—On the 16th June, 1737, Sir William Chapple was appointed a Justice of the King's Bench, a place which he filled with credit and distinction until his death eight years later. At the time of his promotion he had been Member of Parliament for Dorchester for fifteen years, and though, like many of his profession, he seems to have made no lasting impression on the House of Commons, he had a high reputation as a lawyer.

THE WEEK'S PERSONALITY.

Francis Pemberton made a slow and umpromising start in his profession. He was admitted to the Inner Temple in 1644, but was not called to the bar for ten years, part of the interval being spent in a debtor's prison, whither his extravagant and dissipated habits had led him. This enforced retirement he seems to have spent in profitable study, for on regaining his liberty he took up practice with brilliant success. After a brief term as a puisne judge, he succeeded Scroggs as Chief Justice of the King's Bench, where he served for almost two years before being transferred to the Common Pleas. Very shortly after the change, he was dismissed from the bench and returned to the bar, where he won a brilliant success in his defence of the Seven Bishops. He had a reputation as a sound lawyer and a good judge. "He would not suffer lawyers on trials before him to interrupt or banter witnesses in their evidence, but allowed every person liberty to recollect their thoughts and to speak without fear that the truth might be better discovered." He was a generous and charitable man with a ready wit and a quick apprehension, and, in spite of some charges of having yielded occasionally to political expediency in the dangerous times in which he lived, his honesty seems to have been above serious question.

SCHOOLBOYS IN THE DOCK.

THE acquittal of a thirteen year old schoolboy recently charged at the Mansfield Juvenile Court with the manslaughter of a schoolfellow, who had died as the result of a blow from a cricket bat, presents a very complete contrast with the proceedings at the trial of young William Chetwynd, in 1743, which involved a full-dress performance at the Old Bailey and engaged the services of nine learned and eminent counsel for four days. The accused was fifteen years old, a boarder at Mr. Clare's academy in Soho Square. One day, having become the happy possessor of a large cake, he had cut himself a piece with a pocket knife when another boy snatched it away. He demanded it back; the other only laughed—an irritating and fatal laugh, for the next moment the blade of the knife was in his stomach, and, a few days later, he died. The jury were in these embarrassing circumstances instructed to find a special verdict which was, however, never argued, for the boy's family took the precaution to obtain a royal pardon and so, having spent four anxious months in Newgate, young Chetwynd was released. A few years later, the Old Bailey made him amends for his unpleasant experience there, for his elder brother caught gaol fever while listening to a trial in its unwholesome courts and died, letting him into a very handsome estate.

UNOFFICIAL DEPUTY.

At the London Sessions recently it was related how a man on trial there had obtained work as a solicitor's clerk although an ex-convict, and once had actually defended a man in the police court when counsel did not turn up, pretending to be a solicitor. The gesture, bold as it was, was not, however, so surprising as that of a certain barrister's clerk to whom an important set of papers was once delivered in the vacation while his master was away. The client was assured that the defence would be settled quite quickly and in due course the papers were returned. All went well till the delivery of briefs, when the junior in question, finding it impossible for him to turn up at the trial, handed it over to someone else. But he, on reading the pleas raised in the defence, found them so extraordinary that he could not believe they had been settled by the very learned counsel whose name they bore. Enquiries were set on foot and elicited the startling fact that the barrister's clerk had settled the pleadings himself and artistically imitated his principal's signature.

Notes of Cases.

Court of Appeal.

Fishenden *v.* Higgs & Hill Ltd.

Lord Hanworth, M.R., Romer and Maugham, L.JJ.
14th, 15th, 20th, 21st and 22nd May, 1935.

EASEMENTS — LIGHT — OBSTRUCTION — ORDINARY REQUIREMENTS OF MANKIND—WHETHER DAMAGES SHOULD BE SUBSTITUTED FOR AN INJUNCTION.

Appeal from a decision of Crossman, J. (79 SOL. J. 364).

The plaintiff held a lease of a dwelling-house in Mayfair for a term of thirty-five years from 1930, at a yearly rent of £1,500. The windows enjoyed a right of ancient lights. On the site of Chesterfield House opposite, the defendants began to build a block of flats. When partly erected, it already diminished the light received in the plaintiff's house. Crossman, J., held that the building constituted an actionable nuisance and granted an injunction restraining the defendants from continuing to erect buildings so as to cause an illegal obstruction, and a mandatory injunction ordering them to pull down so much of the building erected as constituted a nuisance.

LORD HANWORTH, M.R., in giving judgment, said that since *Colls* v. *Home and Colonial Stores* [1904] A.C. 179, the problem was whether there was a substantial deprivation of light sufficient to cause a nuisance or to render the house uncomfortable according to the ordinary notions of mankind. The House of Lords there rejected the rule that light reaching the windows at an angle of 45 degrees was always sufficient, and went back to the broad propositions laid down in *Back* v. *Stacy*, 2 C. & P. 465, and *Parker* v. *Smith*, 5 C. & P. 438. Further, in *Horton's Estates* v. *Beattie* [1927] 1 Ch. 75, it was held that the standard of light required to eliminate the existence of a nuisance was of necessity an absolute standard, and if a room was no longer adequately lighted for ordinary purposes, there was an actionable wrong, irrespective of locality. But so far as locality was material, this was a residential house in a residential district. On this point, Crossman, J., rightly directed himself (see *Kine* v. *Jolly* [1907] A.C. 1; *Charles Semon & Co. Ltd.* v. *Bradford Corporation* [1922] 2 Ch. 737; *Dysart* v. *Hammerton* [1916] 1 A.C. 86). As to whether damages or an injunction should be granted, the rules were laid down in *Shelfer* v. *City of London Electric Lighting Co.* [1895], 1 Ch. 317. The point was further dealt with in *Aynsley* v. *Glover*, L.R. 18, Eq. 544, at pp. 552 and 555, and in *Kine* v. *Jolly* [1905] 1 Ch., at pp. 496 and 504. From the later cases it appeared that the court should incline against granting an injunction, though the damages granted might be substantial. In all the circumstances of this case, damages should be awarded.

ROMER and MAUGHAM, L.JJ., agreed.

COUNSEL: *Greene*, K.C., and *Andrew Clark*; *Simmonds*, K.C., and *Thomas Cunliffe*.

SOLICITORS: *Simmons & Simmons*; *J. & P. J. F. Chapman Walker*.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

Societa Anonima Mateo Morandi *v.* Horner.

Greer and Roche, L.JJ. 27th May, 1935.

PRACTICE—TRANSFER OF ACTION—KING'S BENCH DIVISION TO CHANCERY DIVISION—MASTER'S ORDER—CONSENT OF LORD CHANCELLOR—APPEAL TO JUDGE IN CHAMBERS—JURISDICTION—SUPREME COURT OF JUDICATURE (CONSOLIDATION) ACT, 1925 (15 & 16 Geo. 5, c. 49), s. 59—RULES OF THE SUPREME COURT ORD. XLIX, rr. 1, 3, ORD. LIV, r. 21.

Appeal from a decision of Macnaghten, J., in chambers.

C. F. Ltd., which was in voluntary liquidation, owed debts amounting to about £18,000, including £1,533 to the plaintiffs. The defendant was the liquidator against whom the present action was brought for damages for having negligently, in breach of his duty, failed to take any steps to collect a debt of over £17,000 owed to the company. A defence denying the allegation having been delivered, the plaintiffs took out a summons on the 10th May, 1935, to transfer the action from the King's Bench Division to the Chancery Division. The Master made an order that, subject to the consent of the Lord Chancellor, it should be so transferred, and assigned to Farwell, J. On the 14th May the consent was obtained. On the same day the defendant's solicitors informed the plaintiffs' solicitors by telephone that they intended to appeal. They also sent them a notice of appeal to the judge in chambers, whereby they asked for an extension of time within which to appeal. This notice was received next day. The appeal, not having been entered until the 14th May, was not returnable till the 17th May, the next sitting of the judge in chambers. Macnaghten, J., held that the consent of the Lord Chancellor, having been obtained, he had no jurisdiction and dismissed the appeal.

GREER, L.J., allowing the appeal, said that the question depended on the construction of s. 59 of the Supreme Court of Judicature (Consolidation) Act, 1925. Order XLIX, rr. 1 and 3, dealt with the question who had power to make an order for transfer under that section. If an order had been made under r. 1 by the Lord Chancellor, with the assent of the Lord Chief Justice, the Court of Appeal could not have interfered, but this application was under r. 3. Under that rule a Master, or a judge, on appeal from a Master, could make an order for transfer to the Chancery Division which, however, was not effective until the President of the Chancery Division had consented. This did not mean that the Master's order was final if the consent had been obtained before the other side had an opportunity of appealing. The matter still remained within Ord. LIV, r. 21, and Macnaghten, J., was wrong in holding that he had no jurisdiction. The matter must go again before the judge in chambers.

ROCHE, L.J., agreed.

COUNSEL: *P. Vos*; *Laski*, K.C., and *A. S. Diamond*.

SOLICITORS: *William Charles Crocker*; *J. N. Nabarro*.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

Appeals from County Courts.

Symons *v.* Southern Railway Co.

Lord Hanworth, M.R., Roche, L.J., and Swift, J.
9th April and 16th May.

RAILWAY—PURCHASE OF LAND—CONVEYANCE—PRICE EXPRESSED TO INCLUDE COMPENSATION FOR FENCES—NO CONTRACT WITH OCCUPIER OF LAND—FENCES MADE—DEFECT—SHEEP STRAYING ON LINE—KILLED BY TRAIN—LIABILITY—RAILWAY CLAUSES ACT, 1845 (8 & 9 Vict., c. 20).

Appeal from Launceston County Court.

In 1885, the railway company purchased certain land forming part of Ridgegrove Farm from the then owners. The conveyance stipulated that the price paid included compensation for (*inter alia*) fences which the owners might otherwise be entitled to claim. The owners could not, therefore, have insisted on the making of a fence, though the company in fact made one and thereafter maintained it. The plaintiff and his father were occupiers of the farm at the time of the conveyance, on a yearly tenancy. In 1911 the father died, the plaintiff becoming sole occupier and shortly afterwards owner. In 1934, the fence fell into disrepair and some of the plaintiff's sheep strayed through a gap and were killed on the railway line. His Honour Judge W. J. Lias gave judgment for the plaintiff in a claim for damages.

LORD HANWORTH, M.R., dismissing the appeal, said that at common law the owners of adjoining land were not bound

to fence, but each was obliged to prevent his cattle from straying into his neighbour's property (*Lawrence* v. *Jenkins*, L.R. 8, Q.B. 274). The railway's liability to fence was imposed by s. 68 of the Railways Clauses Act, 1874, it being, however, provided that the railway company should not be required to make any works "with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of making them." The plaintiffs contended that the proviso was inoperative because no agreement had been made with both the owners and the occupiers. This was not so. Their interests were distinct and an agreement with one was operative, though no agreement had been reached with the other. (See *Corry* v. *G.W.R.*, 7 Q.B.D. 322.) Further, it was to be noted that the section prescribed the making of fences to protect the adjoining lands from trespass. Again, the time limit of five years in s. 73 for compelling the railway company to execute accommodation works did not diminish its duty to make and repair fences (*Dixon* v. *G.W.R.* [1897] 1 Q.B. 300). In the present case, however, there was an agreement within the proviso to s. 68 effective against the owners of the land. The question arose whether the plaintiff in becoming owner of the land lost his rights as occupier by the coalescing of the tenancy in the freehold. When a greater estate and a less coincided in one person, the lesser was annihilated (see *Salmon* v. *Swann*, Cro. Jac. 619; *Stephens* v. *Bridges*, 6 Madd. 66; and *Lord Dynevor* v. *Tennant*, 13 App. Cas. 279). This rule was modified in equity, the question there depending on the intention actual or presumed of the person in whom the interests were united (see Law of Property Act, 1925, s. 185; *Capital & Counties Bank Ltd.* v. *Rhodes* [1903] 1 Ch. 621, at p. 648; *Chambers* v. *Kingham*, 10 Ch. D. 743; and *Ingle* v. *Vaughan Jenkins* [1900] 2 Ch. 368). On these principles, there was no merger so as to deprive the plaintiff of his right to have the fences maintained. Moreover, the railway company had a duty to take reasonable care to prevent cattle from straying on the line to the danger of their passengers (see *Buxton* v. *North Eastern Railway*, L.R. 3, Q.B. 549). Here there was no intention that there should be a merger of rights.

ROCHE, L.J., and Swift, J., agreed.

COUNSEL: *F. W. Beney; Ernest Hancock.*

SOLICITORS: *William Bishop; Hancock & Willis*, Agents for *Graham-White & Co.*, of Launceston.

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

Druce & Co. Limited *v.* Beaumont Property Trust Limited.

Horridge, J. 22nd May, 1935.

DISTRESS—PROTECTION OF GOODS FROM DISTRESS—STATUTORY DECLARATION—MATERIAL WORDS OMITTED—STRICT COMPLIANCE ESSENTIAL—DISTRESS NOT ILLEGAL—LAW OF DISTRESS AMENDMENT ACT, 1908 (8 Edw. 7, c. 53), ss. 1, 2, 4.

In this action Druce & Co., Ltd., claimed against Beaumont Property Trust, Ltd., damages for an alleged illegal distress. The plaintiffs, furniture dealers, entered into two hire-purchase agreements, dated the 8th and 9th May, 1934, with one Louis Scott, who then occupied two flats, 102 and 111, at No. 20, Abbey-road, N.W., as tenant of the defendants. Those two agreements were terminated by notices in writing dated the 2nd August, 1934, and thereupon the goods the subject of the hire-purchase agreements ceased to be in the lawful possession of Scott. On the 30th August, 1934, the defendants levied distress for arrears of rent on the contents of Flat 102, and seized part of the plaintiffs' furniture of the value of £111 0s. 11d. On the 31st August they levied distress on the contents of Flat 111, and seized part of the plaintiffs' furniture of the value of £59 0s. 4d. On the 7th September, 1934, the plaintiffs served on the defendants two declarations. That in respect of Flat 111 was as follows: "Declaration by owner of goods distrained that they are his (8 Edw. VII, c. 53). Sir, We, Druce & Co., Ltd., of 37, Baker Street, London, W., do hereby declare that Mr. L. Scott, the immediate tenant of the Beaumont Property Co., Ltd., has no right or property or beneficial interest in the furniture, goods and chattels, distrained at Flat 111, 20, Abbey Road, N.W.8, for rent alleged to be due to the Beaumont Property Co., Ltd., and an inventory whereof is annexed hereto, but that such furniture, goods or chattels are our property. Dated 7th Sept., 1934." The notice with respect to Flat 102 was in similar terms. The plaintiffs' case was that thereupon the defendants became disentitled to proceed with the distress, yet they proceeded to sell the goods and thereby converted them to their own use. The plaintiffs claimed damages. The defendants admitted that they had seized the goods, but said that the declarations of the 7th September were insufficient to satisfy s. 1 of the Law of Distress Amendment Act, 1908, by reason that there were omitted therefrom the words "and are not goods or live stock to which this Act is expressed not to apply." By s. 2 of the Act of 1908 a landlord who proceeds with a distress after receipt of a declaration as required by s. 1 shall be deemed guilty of an illegal distress. By s. 4, various classes of goods are excluded from the protection afforded by the Act, including goods in the possession, order or disposition of the tenant with the consent of the owner.

HORRIDGE, J., said that the point on which the case turned was whether the declarations made were within the Law of Distress Amendment Act, 1908. His lordship read s. 1 of the Act and said that the claimant was required to state three things: First, that the goods were not the tenant's; secondly, that they were the claimant's; and, thirdly, that they were not in the class of goods excluded from the Act. When one looked at s. 4, it appeared that the first class to be excluded were goods which were in the tenant's possession but belonged to someone else. The Act required that the landlord should be informed that the goods were not in that class, through being in the order or disposition of the tenant. The landlord was entitled to have the protection of a declaration, enforceable in the way stated in s. 1, before the Act applied. In this case that had not been done, and therefore the distress was not illegal. Judgment for the defendants.

COUNSEL: *Tristram Beresford*, for the plaintiffs; *H. J. Astell Burt*, for the defendants.

SOLICITORS: *Lindus & Hortin; Wedlake, Letts & Birds.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Railway and Canal Commission.

In re an Application for Confirmation of a Scheme for Partial Amalgamation of Coal Mines in West Yorkshire.

MacKinnon, J., Sir Francis Taylor, K.C., and Sir Francis Dunnell. 23rd May, 1935.

MINES, COAL—WEST YORKSHIRE COALFIELD—SCHEME FOR PARTIAL AMALGAMATION—NOT AN AMALGAMATION—SCHEME NOT IN CONFORMITY WITH STATUTORY REQUIREMENTS—CONFIRMATION REFUSED—MINING INDUSTRY ACT, 1926 (16 & 17 Geo. 5, c. 28)—COAL MINES ACT, 1930 (20 & 21 Geo. 5, c. 34), s. 13.

This was an application by the Coal Mines Reorganisation Commission for confirmation of a scheme for the compulsory partial amalgamation of the coal mines in the West Yorkshire coalfield. The application was made in compliance with the provisions of s. 13 of the Coal Mines Act, 1930, which enacts that the Railway and Canal Commission shall not confirm a scheme unless satisfied: (1) That it is in the national interest, (2) that it will result in a lowering of the cost of production or disposal of coal, and (3) that it will not be injurious to any of the undertakings proposed to be amalgamated, unless the scheme contains provisions for the compulsory purchase of

any such undertaking, and (4) that the terms of the scheme are fair and equitable to all persons affected thereby. The scheme in question proposed to give power to an executive committee elected by the coalowners: (1) To close any undertaking in the coalfield and to distribute the quota attaching thereto among the other undertakings, and to levy funds for the payment of compensation; (2) to negotiate agreements for the sale of any undertaking to all or any of the owners of other undertakings in the coalfield; (3) to control the making of arrangements between the owners of different undertakings for the transfer of quota; and (4) to regulate the prices and conditions of sale, the co-operative selling of coal, and the making of grants to assist sales. The application was supported by the owners of fifty-seven collieries in the district, and objected to by four owners of collieries there.

MACKINNON, J., said that the proposal before the court was that the scheme adopted by the majority should be made binding on the minority, whose assent had not been obtained. The duty of the court was to consider the scheme in the light of the two Acts of Parliament, the Mining Industry Act, 1926, and the Coal Mines Act, 1930. The court had first to consider whether the scheme now before them was an amalgamation at all, and then, if satisfied that it was an amalgamation, whether the conditions of s. 13 of the Act of 1930 had been complied with. The scheme before the court dealt with some sixty undertakings—fifty limited companies, eight partnerships, and three individuals. The undertakings varied in size greatly, two of them produced over 1,000,000 tons of coal a year each, and four of them less than 1,000. Under the scheme there was no provision for rolling together any of those entities in any shape or form. They were each to remain separate and distinct, and no new entity incorporating the existing ones was to come into existence. All that was proposed was that a committee should be set up to control the working, treating, and disposing of coal, and having the power to close down any mine considered redundant. That committee was to be elected by means of a tonnage vote, and any member dissatisfied with its decision could appeal to an arbitrator. In his (his lordship's) view, that was not an amalgamation at all, either total or partial. The scheme, therefore, did not satisfy the preliminary requirements of the Act of 1926, that it must be an amalgamation scheme, and the court was accordingly not satisfied that the scheme was in conformity with the Act. But, apart from the Act of 1926, the court was not satisfied that the scheme was in the national interest, or that it would lower the cost of production, or that it would not be financially injurious to the undertakings to be closed down, or that it was fair and equitable to the persons affected thereby. But the paramount consideration was that the court was not satisfied that the scheme was an amalgamation at all, either total or partial. They were, therefore, unable to confirm it.

Sir FRANCIS TAYLOR and Sir FRANCIS DUNNELL also delivered judgments dismissing the application.

COUNSEL: *The Attorney-General* (Sir Thomas Inskip, K.C.), *the Solicitor-General* (Sir Donald Somervell, K.C.), and *A. Andrewes-Uthwatt* for the Coal Mines Reorganisation Commission; *N. L. C. Macaskie*, K.C., and *H. S. Houldsworth* for colliery owners supporting the application; *Trevor Hunter*, K.C., and *J. P. Ashworth*; *Stuart Bevan*, K.C., and *H. V. Rabagliati*; *Sir Leslie Scott*, K.C., and *W. J. K. Diplock*; and *Sir Lynden Macassey*, K.C., *J. B. Herbert* and *T. Elder Jones* for the four opposing companies; *T. G. Roche* held a watching brief on behalf of coalowners of the Warwickshire district.

SOLICITORS: *Solicitor to the Board of Trade*; *Vincent and Vincent*, for *Owen V. Smithson*, Leeds; *Ingledew, Sons and Brown*; *G. M. Saunders & Son*; *Jacobson, Ridley & Co.*, *Andrew, Purves, Sutton & Creery*, for *Helmshaw and Waystaffe*, Barnsley; *Thicknesse & Hull*.

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

TABLE OF CASES previously reported in current volume.

Obituary.

Mr. Justice Avory.

The Right Hon. Sir Horace Edmund Avory, a Judge of the King's Bench Division, died at Rye, Sussex, on Thursday, 13th June, at the age of eighty-three. Mr. Justice Avory was educated at King's College, London, and Corpus Christi College, Cambridge, and was called to the Bar by the Inner Temple in 1875. He was appointed Junior Counsel to the Treasury at the Central Criminal Court in 1889, and became Senior Counsel in 1899. He took silk in 1901, and in 1910 he was appointed a judge of the King's Bench Division. An appreciation appears at p. 425 of this issue.

Mr. W. T. Bloxam.

Mr. William Tucker Bloxam, retired solicitor, died at Southsea, on Monday, 10th June, a few days after his hundredth birthday. Until his retirement 34 years ago, he was solicitor to the Clothworkers' and Saddlers' Companies.

Mr. J. W. Carter.

Mr. John William Carter, solicitor, senior partner in the firm of Messrs. Carter & Co., of Blackburn, died on Thursday, 6th June, at the age of sixty-nine. Mr. Carter, who was admitted a solicitor in 1890, was Official Receiver for the local Bankruptcy District. He was President of the Blackburn (Incorporated) Law Association in 1902.

Mr. E. D. Little.

Mr. Ellis Duckworth Little, solicitor, of Blackburn, died on Friday, 7th June, at the age of seventy-three. Mr. Little was admitted a solicitor in 1888.

Mr. A. P. Sewell.

Mr. Algernon Percy Sewell, solicitor, a partner in the firm of Messrs. Hallett, Creery & Co., of Ashford, Kent, died on Thursday, 30th May. Mr. Sewell, who was educated at Tonbridge School and Pembroke College, Cambridge, was admitted a solicitor in 1905. He was Registrar of Ashford County Court.

Parliamentary News.

Progress of Bills.

House of Lords.

Birmingham Corporation Bill.
Reported, with Amendments. [6th June.

Defence (Barracks) Bill.
Read Second Time. [6th June.

Folkestone and District Electricity Bill.
Royal Assent. [6th June.

Glamorganshire Canal Company Bill.
Royal Assent. [6th June.

Glasgow Corporation Order Confirmation Bill.
Royal Assent. [6th June.

Golders Green (Jewish) Burial Ground Bill.
Royal Assent. [6th June.

Government of India Bill.
Read First Time. [6th June.

Irwell Valley Water Board Bill.
Royal Assent. [6th June.

London County Council (General Powers) Bill.
Royal Assent. [6th June.

Marlow Water Bill.
Royal Assent. [6th June.

Medway Lower Navigation Bill.
Royal Assent. [6th June.

Mid Wessex Water Bill.
Royal Assent. [6th June

Newcastle and Gateshead Waterworks Bill.
Royal Assent. [6th June.

Newcastle-upon-Tyne Corporation (Quay Extension) Bill.
Royal Assent. [6th June.

Northern Ireland Land Purchase (Winding-up) Bill.
Royal Assent. [6th June.

Norwich Electric Tramways Bill.
Royal Assent. [6th June.

Portsmouth Corporation (Trolley Vehicles) Provisional Order Bill.
Read Second Time. [6th June.

Renfrewshire County Council (Lochwinnoch, &c.) Water Order Corporation Bill.
Royal Assent. [6th June.

Restriction of Ribbon Development Bill.
Read Third Time. [6th June.

Ross and Cromarty (Dornie Bridge) Order Corporation Bill.
Royal Assent. [6th June.

Sharpness Docks and Gloucester and Birmingham Navigation Bill.
Royal Assent. [6th June.

Sheffield and South Yorkshire Navigation Bill.
Royal Assent. [6th June.

Sheffield Corporation Tramways Provisional Order Bill.
Read Second Time. [6th June.

Stirlingshire and Falkirk Water Order Confirmation Bill.
Royal Assent. [6th June.

Unemployment Assistance (Temporary Provisions) (No. 2) Bill.
Royal Assent. [6th June.

Vagrancy Bill.
Royal Assent. [6th June.

House of Commons.

Ascot District Gas and Electricity Bill.
Read Third Time. [7th June.

Bristol Tramways Bill.
Read Third Time. [7th June.

Counterfeit Currency (Convention) Bill.
Read Second Time. [6th June.

Glasgow Corporation Sewage Order Confirmation Bill.
Read First Time. [6th June.

Lanarkshire County Council Order Confirmation Bill.
Read First Time. [6th June.

National Health Insurance and Contributory Pensions Bill.
Read Second Time. [6th June.

Newcastle-upon-Tyne Corporation (General Powers) Bill.
Read Third Time. [6th June.

Restriction of Ribbon Development Bill.
Read First Time. [6th June.

Questions to Ministers.

Juvenile Offenders (Imprisonment).

Mr. Lovat-Fraser asked the Home Secretary whether, in view of the widespread condemnation of the practice of sending young people to prison, he will promote legislation to enact that a person between the ages of 17 and 21 shall not be sent to prison unless the court certifies that he is of so unruly a character that he cannot be detained in a remand home, or that he is of so depraved a character that he is not a fit person to be so detained?

Captain Crookshank: The purpose of existing remand homes is primarily to provide for the detention of children and young persons under 17 until they can be brought before a Court of Summary Jurisdiction or while on remand or awaiting trial, and there would be obvious objections to any general use of the same institutions for the reception of older offenders either before trial or under sentence. My right hon. Friend recognises that it is desirable that the committal to prison of young offenders should be avoided as far as possible, but he does not think that a solution of this difficult problem is to be found along the lines which the hon. Member suggests. [6th June.

Juvenile Courts.

Sir W. Edge asked the Home Secretary whether juvenile courts have now been established in all parts of the country; and whether they are operating satisfactorily and according to

the law, or whether he has had to make any representations for improvement in the procedure of the magistrates?

Sir J. GILMOUR: Juvenile courts have now been established in all parts of the country, and so far as my information goes, there is no doubt of the beneficial effect of the provisions of the Children and Young Persons Act, 1933, which affect these courts. Shortly before the Act came into operation I addressed a general circular of advice to justices, and since that date no supplementary circular has been issued. [7th June.

Banquet to His Majesty's Judges.

The Lord Mayor, Sir STEPHEN KILLIK, entertained His Majesty's judges and many other guests to a banquet in the Mansion House on the 4th June.

In accordance with custom, he proposed the health of the Lord High Chancellor, and Lord SANKEY, replying, congratulated the Lord Mayor on having held the office of Chief Magistrate during the memorable events of the Jubilee. He welcomed the appointment to the High Court Bench of the five new judges, and wished them a long and happy tenure of office. He reminded the gathering of the country's obligation to the judges of the county court, who performed so well the numerous and increasing duties which Parliament saw fit to lay upon them. Among recent useful law reforms had been the introduction of a Bill in the previous week giving married women greater powers over their property, and releasing husbands from their wives' torts. Changes such as these were necessary, and although lawyers of both branches sometimes disliked changes in the system under which they had grown up, they must and would, as public servants, accommodate themselves. Ending on a personal note, he said that the twenty-one years during which he had been on the Bench had seemed rather a long time. It had been his good fortune to attend many dinners at the Mansion House, and he thanked the Lord Mayor and his predecessors for their courteous hospitality and generous words on the present and all other occasions.

The LORD MAYOR then proposed the health of His Majesty's judges and rejoiced that their number had recently been increased. He had once, he said, formed part of a deputation to the Lord Chancellor of the day—Lord Cave—to ask for more High Court judges. The reason had then been the long waiting list in the Admiralty Division. One of the greatest possible tributes to the reputation of the English Bench was the preference of so many foreign owners for having collision cases tried in the English courts rather than in their own. At one time His Majesty's judges had been known for their appalling ignorance, but they now stood out as men of exceptional education. A factor which made for harmony was the friendly feeling which existed between judges and members of the Bar. This was largely due to the fact that a judge did not cease to be a member of the Bar on being elevated to the Bench.

Lord HEWART, the Lord Chief Justice, who responded, denied that the arrears in the King's Bench Division were considerable. When he had first been appointed to that Division there had been about 2,000 cases waiting at the end of each week; now there were less than 600. As an instance of the speed with which the courts could work in cases of urgency, he related that the question had once arisen whether a certain ship could carry passengers. The writ had been issued on Tuesday and the ship had been billed to sail on Saturday. The case had been moved into the Commercial Court on Wednesday and tried on Thursday, and the ship had sailed to time. Rumour had it that High Court judges should be obliged to retire at fifty-two, in which case most of them would retire before they were appointed. The Bench were not seriously alarmed by this suggestion, but it was causing profound disquietude to certain more deserving classes, such as bishops, archbishops, Ministers of the Crown, Prime Ministers and certain Nonconformist ministers.

Lord ATKIN welcomed the large number of guests who administered justice in the Colonies and Dominions overseas. While trade was said to follow the flag, he declared that a far greater boon was pure and impartial justice. Those who sat in that wonderful court which administered the final justice to 400 million of the King's subjects were well able to form an opinion on the quality of the justice administered throughout the empire.

Mr. STUART BEVAN, K.C., who replied for the Bar, regretted that lawyers were so unpopular. The kindly welcome they received in the City saved their small measure of self-esteem from disappearing altogether.

Mr. H. R. BLAKER, President of the Law Society, replying for the solicitors, said that he found himself in the unique position of a solicitor appearing before His Majesty's judges in a costume which would cause him to be invisible if he appeared in it in Court, preceded by a voice which actually imposed silence on His Majesty's judges in order that he might be heard. This, of course, solved the problem of the audience of the solicitor in court; when he desired to be heard by the Bench, he had only to come accompanied by the City of London Toastmaster. It was a particular pleasure for one who in the old days would have been called a common attorney to be invited to respond to such an important toast. Both branches of the law did what they could to assist the public in their difficulty. Poor persons' work was really national work.

The Master of the Rolls, Lord HANWORTH, proposing the health of the Court of Aldermen and Sheriffs, said that the Court of Aldermen was the House of Lords of the City of London; it did its duties uncommonly well with the minimum of publicity.

Sir GEORGE TRUSCOTT replied with a warm tribute to the name of Pollock and all it stood for in law. In the City, he said, it was represented by the Chamberlain, who for 30 years had won the affection and trust of all his colleagues.

Mr. Sheriff J. S. PEARSE, who also replied, voiced the just pride of the Sheriffs in the Jubilee celebration at Guildhall on 22nd May.

Mr. Justice AVORY proposed the health of the Lord Mayor congratulating him on holding office in a memorable year, and the Lord Mayor briefly replied.

Societies.

The Law Society.

PRESIDENT AND VICE-PRESIDENT FOR 1935-36.

Sir Harry Goring Pritchard, of London, has been nominated as President of The Law Society, and Hubert Arthur Dowson, of Nottingham, has been nominated as Vice-President of the Society for the coming year.

Law Association.

Lord BLANESBURGH presided at the annual general court of this Association, held at The Law Society's Hall, Carey-street, on the 5th June. In moving that the report and accounts be approved, his lordship said that the dividends showed an increase of £65, and the annual subscriptions of £70. There had been a great falling-off in donations and bequests; during the previous financial year the sum received had been £1,053, but during the year under review it had only been £182. Fewer bequests, of course, meant fewer deaths of supporters of the Association, but the difference would affect the work of the Association to a certain extent. The total receipts showed a decrease from £3,089 to £2,470, and the balance carried forward was £225 as against £248 during the previous year. The membership had risen from £829 to £842. The Association had marked time satisfactorily, and had been able to distribute its benefits on a scale which, although not so great as could be desired, was none the less satisfactory to their recipients. His lordship read specimens of letters from grateful beneficiaries for Christmas gifts. One lady, thanking the Association warmly for its kind thought, had said that the money would cover many of the extra comforts and warmth which older people needed so much in winter time, and another had said that, because of the directors' generosity and thoughtfulness, she and her children had passed a splendid Christmas, which otherwise they would not have been able to have. The times were, he said, perhaps a little better than they had been last year, but the period ahead was one of uncertainty, and the Association should not relax its efforts to secure an increase in membership and in subscriptions. Some of the subscribers had taken the opportunity presented by an indulgent Chancellor of the Exchequer to take advantage of the seven years' covenant. A substantial sum, amounting to £40, had been received by the Association, representing money which would otherwise have been paid in income tax. It would be advantageous, he said, if as many subscribers as possible would adopt this method of payment.

Mr. DOUGLAS T. GARRETT, seconding the motion, expressed his deep sense of personal loss, and that of the Association, at the death of Mr. Ross Giles, who had performed whole-hearted services to the Association for six years as director and chairman. The figure which he regarded as the vital one was the total relief granted, which was a measure of the Association's usefulness. Whereas in the previous year this had been £2,389, during the past year it had fallen to £2,159, a difference of £230. This sum had to come out of the pockets of the

people who could least well afford it, namely, those whom the Association existed to help. The Association had had to pare down some of its grants, to the great regret of the directors, who had been faced with that unpleasant task. The difference might be accounted for by the fact that during the previous year there had been a special appeal, but it was impossible to inflict a special appeal on members every year. He would like to see the extra sum consolidated—like the 33⅓ per cent. on solicitors' costs, they could not rely on retaining it until it was consolidated. The great need was to increase subscriptions. Membership of the Society gave the dependents of a member a covenanted right to certain benefits, and although he hoped it was unlikely that any member present would leave dependents in a position in which they had to look to the Association, yet this happened to as good men as any of them. Regarded as an insurance against the calamity risk, a guinea a year was well spent. Solicitors who said that they could not afford it were under the greatest obligation to pay it, and those who said that they could afford it but did not pay it had no defence. He considered that any canvasser using that argument was in a position to put a non-member into a pretty dilemma.

Dr. LESLIE BURGIN, M.P., paid a graceful tribute to Lord Blanesburgh in proposing a vote of thanks to his lordship for presiding on this occasion and on many before. The Association, he said, was not likely to need any "reshuffle at the top," like some others with which he was connected. Lord Blanesburgh's invariable custom of taking the chair at the annual court was of great benefit to the Association in its work. It owed a great debt of gratitude to the whole judiciary, as a profession and as members of the public, for the way in which they came off their Olympian heights and descended to the levels of mortal man—sometimes even to the flats of Winchelsea—and took part in works of benevolence.

Among those present were: Messrs. E. B. Ainslie, B. J. Airy, Evelyn Barron, W. H. Brightman, Dr. Leslie Burgin, M.P., Master Pretor W. Chandler, Messrs. Guy H. Cholmeley, Arthur E. Clarke, T. W. Evan Cox, G. M. Davey, Douglas T. Garrett, P. F. Higginson, J. Hutchison, G. D. Hugh-Jones, C. D. Medley, Geoffrey Russell, A. F. King-Stephens, R. C. Tackley, John Venning.

Legal Notes and News.

Honours and Appointments.

It is officially announced that the King has approved the appointment of Mr. GEORGE MIDDLETON, J.P., First Church Estates Commissioner, and The Right Hon. LORD DARYNGTON, D.L., J.P., Third Church Estates Commissioner, to be joint Treasurers, and of Mr. WILLIAM GEORGE HANNAH, Barrister-at-Law, to be Secretary to the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy on the resignation of Mr. Frederic Graham Hughes.

His Majesty has approved the separation of these two offices, which were previously held in conjunction.

Mr. T. B. BISHOP, solicitor, of Sittingbourne, has been appointed Deputy County Coroner for North-East Kent. Mr. Bishop, who was admitted a solicitor in 1901, is head of the firm of Messrs. Winch, Greensted & Winch.

Mr. JOHN HAYDN THOMAS, Clerk and Solicitor of Pontardawe Rural District Council, has been appointed Clerk of Ormskirk Urban District Council. Mr. Thomas was admitted a solicitor in 1925.

Mr. J. WHITESIDE, solicitor, an Assistant Clerk to the Justices at Southend, has been appointed Clerk to the Justices at Exeter. Mr. Whiteside was admitted a solicitor in 1933.

Professional Announcements.

(2s. per line.)

Notes.

At the fifty-third annual general meeting of the Chartered Institute of Patent Agents, held on the 5th June, Messrs. G. E. Folkes (Birmingham) and R. J. Tugwood (London) were elected President and Vice-President respectively.

Mr. Herbert Metcalfe, the Old-street police court magistrate, dealing with a number of summonses for motoring offences said: "It is very unsatisfactory to have to fine motorists day after day, but these laws have been passed, and they have to be carried out."

Mr. E. K. House has been elected chairman of the London Branch of the Incorporated Society of Auctioneers. Mr. House, who was one of the main founders of the society and its first chairman of council, was estates manager of Messrs. William Whiteley, Limited, for many years.

The following have been elected Chomeley Students to the Honourable Society of Lincoln's Inn:—Mr. Charles Fletcher Cooke and Mr. Hugh Farquhar Macmaster from Cambridge University; and Mr. Richard William Gilbert Holdsworth and Mr. John Montgomerie from Oxford University.

A film of men alleged to have been loitering for the purpose of betting has been taken by Chesterfield police, and the hearing of a charge against four men was adjourned until 15th July, when the film will be shown on the screen in court. An appeal is pending in a previous case in which a film was shown in court.

The Directors of the Legal & General Assurance Society Limited announce with regret that Mr. A. H. Pargeter, the Fire and Accident Manager, retired on 31st May. The Directors have appointed Mr. C. S. Johnson, their present City Manager, to be Fire and Joint Accident Manager of the Society as from the 1st June.

A witness at Clerkenwell County Court having submitted a letter from a bank manager in relation to the account of a debtor, the Registrar said: "This appears to be a breach of confidence. I thought a man's banking account was his private affair. If this practice is growing up steps may have to be taken to deal with it."

A joint meeting of the Tithe Committee of Queen Anne's Bounty and of the Chairmen and Conveners of the fifteen tithe collection area committees was held at the Bounty Office, Westminster, recently, for the interchange of views on administrative problems relating to the collection of ecclesiastical tithe. Mr. George Middleton was in the chair.

Asked recently to allow a "short cause" in the King's Bench Division to stand out until next sittings, Mr. Justice Humphreys said: "People complain of the law's delays, but it turns out that they have set down their case for trial when they are not ready. Then, though the court is ready to try the case at an early date, the parties are not ready. That is the meaning of 'The Law's Delays.'"

The verdict was given recently in an action brought against the German Broadcasting Company by seven German gramophone record manufacturing firms for breach of copyright. The court found that the broadcasting company was not entitled to make use of records which reproduce literary works, speeches or lectures. The manufacturing companies cannot, however, object to the broadcasting of records of music.

The fifth of the mock trials in aid of King Edward's Hospital Fund will be held at 5.30 p.m. on Tuesday, 18th June, at the London School of Economics, when Modern Authors will be charged with "Taking themselves too seriously." Mr. J. B. Morton ("Beachcomber") will prosecute. The defence will be conducted by Miss E. M. Delafield, Miss Cicely Hamilton, and Mr. Alec Waugh, and the case will be tried by Sir Gervais Rentoul, K.C.

The Midland Bank Executor and Trustee Company, which is affiliated to the Midland Bank, announces the opening of two new branches, one at 16, Regent-street, London, S.W.1, under the management of Mr. O. C. Gunnell, and the other in Castle-square, Swansea, under the management of Mr. O. Lloyd Jones. The Company has now opened twelve branches, the other offices being in Poultry, London, E.C.2, Bangor, Birmingham, Bournemouth, Bristol, Leeds, Leicester, Liverpool, Manchester and Newcastle-on-Tyne.

The Directors of the Gresham Fire & Accident Insurance Society Limited announce the following new appointments, which took effect as from 1st June, 1935:—

Mr. C. S. Johnson to be Joint Manager with Mr. R. F. Richley.
Mr. J. H. Bishop to be Joint Accident Manager.
Mr. F. B. Norris to be Assistant Home Fire Manager.
Mr. H. T. Jennings-Clark to be Joint Foreign Manager.
Mr. C. G. Potter to be Joint Foreign Manager.

The annual festival of the Essex Bellringers Association was held recently in Chelmsford Cathedral, adjoining Shire Hall, where the County Assizes are held. When the peals of the bells were heard in court (says *The Daily Telegraph*), Mr. Justice

Hawke observed: "There appears to be some sort of rival entertainment going on." He was informed of the festival, and when asked whether a request should be made to the ringers to cease, he said: "No. I should be sorry to stop these joyful celebrations which, I understand, have been going on for fifty years on this day."

Wills and Bequests.

Mr. Thomas Jennings, solicitor, of Darlington and of Bishop Auckland, left estate of the gross value of £11,971, with net personalty £9,558. He left £100 to Darlington Christian Science Church.

Mr. Edward Coulman, solicitor, of Newport, Mon., left estate of the gross value of £97,471, with net personalty £77,989.

Mr. Harry Ross Giles, solicitor, of Dulwich, S.E., and New Court, Lincoln's Inn, W.C., left £25,421, with net personalty £23,665.

Mr. Apsley Kennette, solicitor, of Rochester, left £10,908, with net personalty £10,826.

Mr. George Curtis Leman, solicitor, of Bloomsbury-square, and of Putney, left £17,834, with net personalty £15,170.

Mr. Sydney Matthews, solicitor, of Swaffham, Norfolk, left £37,971, with net personalty £37,298.

Mr. Thomas Hodgson Mundell, solicitor, of South Croydon, left £10,011, with net personalty £8,953.

Mr. Harold Chamberlin, J.P., solicitor, of Great Yarmouth, left £78,208, with net personalty £71,574.

Mr. Arthur Howard Procter, solicitor, of Ealing, left £5,728, with net personalty £5,532.

OFFICIAL SEARCHES IN THE LAND CHARGES DEPARTMENT OF H.M. LAND REGISTRY.

The Chief Land Registrar has informed the Council of The Law Society that in consequence of Award No. 1608 of the Industrial Court, under which the clerks in the Land Charges Department of the Registry can no longer be kept working on Saturday afternoons—involving as it would the whole of the staff being kept every Saturday afternoon—it will not be practicable in future to issue certificates of the result of official searches in the Land Charges registers on Saturday afternoon so as to reach solicitors on Monday morning. Solicitors, therefore, are requested to arrange completions accordingly, and are reminded that to provide for really urgent cases application can be made for the issue of the result of official searches by telegram, the formal certificate of the result being forwarded by the Registry by post on Monday in due course.

In future, if an application for official search reaches the Registry on Saturday morning, the certificate will not be issued till Monday afternoon, and as it will be dated on the Monday, the two days' protection afforded by s. 4 (2) of the Law of Property (Amendment) Act, 1926, will date from the Monday and not from the Saturday.

THE PROGRAMME OF THE CHURCH ASSEMBLY.

The Church Assembly, with its newly-elected House of Laity, meets on 17th June. The "agenda" now published comprises no less than 56 items, large and small, and it is certain that the week allotted for the session will not suffice to deal with more than a tithe of these subjects, many of which are of great importance to the work of the Church, whilst others (of which a resolution on disarmament and the manufacture and sale of armaments) might well be left out altogether. Clergy pensions, the financial position of the Church, the future of the Cathedrals, the consideration of a scheme for the amalgamation of the Ecclesiastical Commissioners and Queen Anne's Bounty, not to mention other matters of national interest and importance (the discussion of some of which already remains over from last session), will—or should—more than occupy the whole available time. It is being alleged, by no inconsiderable section of lay opinion, that three sessions of the Assembly annually are quite inadequate for the effective carrying out of its work; and it is not unlikely that a demand will arise for more frequent sittings of the House of Laity—the members of which devote most of their time listening to Bishops and Clergy, in general debate—the practice being for all three Houses to sit together most of the time.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 27th June, 1935.

	Div. Months.	Middle Price 12 June 1935.	Flat Interest Yield.	‡Approximate Yield with redemption
ENGLISH GOVERNMENT SECURITIES			£ s. d.	£ s. d.
Consols 4% 1957 or after	FA	115½	3 9 3	3 0 5
Consols 2½%	JAJO	85¼xd	2 18 6	—
War Loan 3½% 1952 or after ..	JD	105¼	3 6 6	3 2 0
Funding 4% Loan 1960-90	MN	117	3 8 5	3 0 4
Funding 3% Loan 1959-69	AO	103½	2 18 0	2 16 0
Victory 4% Loan Av. life 25 years ..	MS	114½	3 9 10	3 3 0
Conversion 5% Loan 1944-64 ..	MN	122	4 2 0	2 1 6
Conversion 4½% Loan 1940-44 ..	JJ	112	4 0 4	2 2 10
Conversion 3½% Loan 1961 or after ..	AO	107⅛	3 5 1	3 1 6
Conversion 3% Loan 1948-53 ..	MS	105	2 17 2	2 10 10
Conversion 2½% Loan 1944-49 ..	AO	102	2 9 0	2 5 0
Local Loans 3% Stock 1912 or after ..	JAJO	94½xd	3 3 6	—
Bank Stock	AO	367½	3 5 4	—
Guaranteed 2½% Stock (Irish Land Act) 1933 or after	JJ	88xd	3 2 6	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	95xd	3 3 2	—
India 4½% 1950-55	MN	113	3 19 8	—
India 3½% 1931 or after	JAJO	96xd	3 12 11	—
India 3% 1948 or after	JAJO	84xd	3 11 5	—
Sudan 4½% 1939-73 Av. life 27 years	FA	120	3 15 0	3 7 3
Sudan 4% 1974 Red. in part after 1950	MN	114	3 10 2	2 16 9
Tanganyika 4% Guaranteed 1951-71	FA	115	3 9 7	2 16 5
L.P.T.B. 4½% "T.F.A." Stock 1942-72	JJ	111xd	4 1 1	2 12 6
COLONIAL SECURITIES				
Australia (Commonw'th) 4% 1955-70	JJ	107xd	3 14 9	3 10 2
*Australia (C'mm'nw'th) 3¾% 1948-53	JD	102	3 13 6	3 11 3
Canada 4% 1953-58	MS	112	3 11 5	3 2 4
*Natal 3% 1929-49	JJ	100xd	3 0 0	3 0 0
*New South Wales 3½% 1930-50 ..	JJ	100xd	3 10 0	3 10 0
*New Zealand 3% 1945	AO	101	2 19 5	2 17 9
†Nigeria 4% 1963	AO	115	3 9 7	3 3 7
*Queensland 3½% 1950-70	JJ	100xd	3 10 0	3 10 0
South Africa 3½% 1953-73	JD	107	3 5 5	2 19 10
*Victoria 3½% 1929-49	AO	100	3 10 0	3 10 0
CORPORATION STOCKS				
Birmingham 3% 1947 or after ..	JJ	96xd	3 2 6	—
*Croydon 3% 1940-60	AO	100	3 0 0	3 0 0
Essex County 3½% 1952-72	JD	106	3 6 0	3 1 3
Leeds 3% 1927 or after	JJ	95xd	3 3 2	—
Liverpool 3½% Redeemable by agreement with holders or by purchase ..	JAJO	107xd	3 5 5	—
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	86	2 18 2	—
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	96	3 2 6	—
Manchester 3% 1941 or after ..	FA	97	3 1 10	—
*Metropolitan Consd. 2½% 1920-49 ..	MJSD	101	2 9 6	—
Metropolitan Water Board 3% "A" 1963-2003	AO	100	3 0 0	3 0 0
Do. do. 3% "B" 1934-2003 ..	MS	99¼	3 0 4	3 0 4
Do. do. 3% "E" 1953-73 ..	JJ	102	2 18 10	2 17 1
Middlesex County Council 4% 1952-72	MN	114	3 10 2	2 18 10
† Do. do. 4½% 1950-70 ..	MN	116	3 17 7	3 2 11
Nottingham 3% Irredeemable ..	MN	96	3 2 6	—
Sheffield Corp. 3½% 1968	JJ	108	3 4 10	3 2 2
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS				
Gt. Western Rly. 4% Debenture ..	JJ	116	3 9 0	—
Gt. Western Rly. 4½% Debenture ..	JJ	126½	3 11 2	—
Gt. Western Rly. 5% Debenture ..	JJ	137½	3 12 9	—
Gt. Western Rly. 5% Rent Charge ..	FA	135½	3 13 10	—
Gt. Western Rly. 5% Cons. Guaranteed	MA	131	3 16 4	—
Gt. Western Rly. 5% Preference ..	MA	119½	4 3 8	—
Southern Rly. 4% Debenture ..	JJ	113xd	3 10 10	—
Southern Rly. 4% Red. Deb. 1962-67	JJ	111xd	3 12 1	3 7 6
Southern Rly. 5% Guaranteed ..	MA	130	3 16 11	—
Southern Rly. 5% Preference ..	MA	120	4 3 4	—

*Not available to Trustees over par. †Not available to Trustees over 115.
‡In the case of Stocks at a premium, the yield with redemption has been calculated as at the earliest date; in the case of other Stocks, as at the latest date.